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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,487	01/27/2004	Tomoe Aruga	Q79601	6270
65565	7590	03/26/2007		
SUGHRUE-265550			EXAMINER	
2100 PENNSYLVANIA AVE. NW			BRASE, SANDRA L	
WASHINGTON, DC 20037-3213				
			ART UNIT	PAPER NUMBER
			2852	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/764,487

Applicant(s)

ARUGA, TOMOE

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II (claims 31-40) in the reply filed on 12/29/06 is acknowledged.
2. Claims 1-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/29/06.

Drawings

3. The drawings are objected to because the replacement drawings filed 6/10/04 were not labeled with "Replacement Drawing" on each drawing sheet that replaced an original drawing sheet. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: B (see page 34, line 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 31-40 are objected to because of the following informalities. Appropriate correction is required.

On line 18 of claim 31, "where" should be changed to "that".

On line 19 of claim 32, "where" should be changed to "that".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 31, 35, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rimai et al. (US 6,556,798) in view of Hinotani et al. (US 5,546,173).

8. Rimai et al. (...798) disclose an image forming apparatus for forming a toner image on a recording medium, the apparatus comprising a device for fixing a toner image on a recording medium, comprising: a first roller (620 or 740) comprising: a heat source (col. 44, lines 8-28; and col. 48, lines 49-51); a rotatable, cylindrical first core member (621); and a first rubber layer, secured to an outer periphery of the first core member (col. 43, lines 33-40; and col. 48, lines 44-49); and a second roller (640 or 720), comprising: a rotatable, cylindrical second core member (col. 43, lines 60-64); and a second rubber layer, secured to an outer periphery of the second core member (col. 43, line 64 – col. 44, line 5; and col. 48, lines 49-51), and brought into contact with the first rubber layer to form a nip portion therebetween through which the recording medium is passed (col. 43, lines 40-46; col. 48, lines 28-30; and figures 16A and 17A), and such that one of the first roller and the second roller is rotated by the rotation of the other (col. 43, lines 51-53; and col. 48, lines 27-28). A first support member (630 or 730) rotatably supports the first roller (col. 43, lines 42-44; and col. 48, lines 51-54), where a first support member is provided at each

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of longitudinal ends of the first roller and is spaced from the roller (figures 16B and 17B). A second support member (630 or 730) rotatably supports the second roller (col. 43, lines 42-44; and col. 48, lines 51-54), where a second support member is provided at each of longitudinal ends of the second roller and is spaced from the roller (figures 16B and 17B). However, Rimai et al. (...798) do not disclose the claimed first elastic member and second elastic member.

Hinotani et al. (...173) disclose an image fixing device including a first roller (13) and a second roller (14), where the first roller includes a first elastic member (17) on each longitudinal ends of the first roller and rotatable with a core member (col. 3, lines 14-21; col. 4, lines 1-5; and figure 3), and the second roller includes a second elastic member (17) on each longitudinal ends of the second roller and rotatable with a core member (col. 3, lines 14-21; col. 4, lines 1-5; and figure 3), where the first elastic member and the second elastic member are brought into contact with each other at a position that is other than the nip portion (col. 3, lines 26-40; and col. 4, lines 1-5; and figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed first elastic member and second elastic member, as disclosed by Hinotani et al. (...173), so as to reduce slippage.

9. Claims 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yura et al. (US 6,795,678) in view of Hinotani et al. (US 5,546,173).

10. Yura et al. (...678) disclose an image forming apparatus for forming a toner image on a recording medium, the apparatus comprising a drive for fixing a toner image on a recording medium, comprising: a first roller (17), comprising: a heat source (col. 6, lines 13-15); a rotatable, cylindrical first core member (col. 6, line 6); a first rubber layer, secured to an outer

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periphery of the first core member (col. 6, lines 7-8); and a heat-resistant belt member (15), stretched by a second roller (18) and a stretcher (19) and circulated therearound (figure 4), the second roller, comprising: rotatable, cylindrical core member (col. 6, line 16); and a second rubber layer, secured to an outer periphery of the second core member (col. 6, lines 17-19), wherein: the belt member is brought into contact with the first rubber layer to form a nip portion therebetween through which the recording medium is passed (figure 4). However, Yura et al. (...678) do not disclose the claimed first elastic member and second elastic member. Hinotani et al. (...173) disclose an image fixing device including a first roller (13) and a second roller (14), where the first roller includes a first elastic member (17) on each longitudinal ends of the first roller and rotatable with a core member (col. 3, lines 14-21; col. 4, lines 1-5; and figure 3), and the second roller includes a second elastic member (17) on each longitudinal ends of the second roller and rotatable with a core member (col. 3, lines 14-21; col. 4, lines 1-5; and figure 3), where the first elastic member and the second elastic member are brought into contact with each other at a position that is other than the nip portion (col. 3, lines 26-40; and col. 4, lines 1-5; and figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed first elastic member and second elastic member, as disclosed by Hinotani et al. (...173), so as to reduce slippage.

11. Claims 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yura et al. (US 6,795,678) in view of Hinotani et al. (US 5,546,173) as applied to claim 32 above, and further in view of Rimai et al. (US 6,556,798).

12. Yura et al. (...678) in view of Hinotani et al. (...173) disclose the features mentioned above, but do not disclose support members for the first roller and the second roller. Rimai et al. (...798) disclose a first support member (630 or 730) rotatably supports the first roller (col. 43, lines 42-44; and col. 48, lines 51-54), where a first support member is provided at each of longitudinal ends of the first roller and is spaced from the roller (figures 16B and 17B), and a second support member (630 or 730) rotatably supports the second roller (col. 43, lines 42-44; and col. 48, lines 51-54), where a second support member is provided at each of longitudinal ends of the second roller and is spaced from the roller (figures 16B and 17B). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed support members, as disclosed by Rimai et al. (...798), since such a support for rollers is notoriously well known in the art.

Allowable Subject Matter

13. Claims 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray, can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Sandra L. Brase". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Sandra L. Brase
Primary Examiner
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March 15, 2007